

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

Brenda Lee Gist,)	Civil Action No.: 0:21-cv-00275-JMC
)	
Plaintiff,)	ORDER
)	
v.)	
)	
Jordan/Dunn LLC and Jordan Bradley,)	
)	
Defendants.)	
)	

This matter is before the court for review of the Magistrate Judge’s Report and Recommendation (“Report”) filed on March 4, 2021. (ECF No. 7.) The Magistrate Judge recommends that the court dismiss this case without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41. (*Id.* at 4.) For the reasons set forth below, the court **ACCEPTS** the Report and **DISMISSES WITHOUT PREJUDICE** this action.

I. RELEVANT BACKGROUND

The Report sets forth the relevant facts and legal standards which this court incorporates herein without a full recitation. (*See* ECF No. 7.) The court will only reference additional facts that are pertinent to the analysis of the issues before it.

Plaintiff filed a *pro se* Complaint asserting a claim under 42 U.S.C. § 1983 against Defendants Jordan/Dunn LLC and Jordan Bradley (collectively, “Defendants”) on January 27, 2021. (ECF No. 1.)

On February 8, 2021, the court ordered Plaintiff to complete the documents necessary to advance her case, including payment of the filing fee or motion to proceed *in forma pauperis*, by March 1, 2021. (ECF No. 3.) In its Order, the court warned Plaintiff that “this case may be

dismissed for failure to prosecute and failure to comply with a court order under Rule 41 of the Federal Rules of Civil Procedure” if Plaintiff failed to bring the case into proper form. (*Id.* at 1.)

The court also issued an Order and Notice on February 8, 2021, detailing why Plaintiff’s Complaint was subject to dismissal and instructing Plaintiff to file an Amended Complaint within twenty-one (21) days to avoid dismissal of her claims. (ECF No. 4.)

Plaintiff failed to comply with both of the court’s February 8, 2021 Orders. (ECF No. 7 at 3.) She did not complete the appropriate documents to bring the case into proper form or file an Amended Complaint. (*Id.*)

In the Report, the Magistrate Judge recommended the court dismiss the case without prejudice for failure to prosecute pursuant to Rule 41. (*Id.* at 4.) The Magistrate Judge concluded that Plaintiff does not intend to pursue this matter based on Plaintiff’s failure to respond to the court’s February 8, 2021 Orders. (*Id.*)

II. LEGAL STANDARD

The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge only makes a recommendation to this court, and the recommendation has no presumptive weight. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The responsibility to make a final determination remains with the court. *Id.* at 271. As such, the court is charged with making *de novo* determinations of those portions of the Report and Recommendation to which specific objections are made. *See* 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). In the absence of specific objections to the Magistrate Judge’s Report, the court is not required to give any explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only

satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Thus, the court may accept, reject, or modify, in whole or in part, the Magistrate Judge’s recommendation or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

III. ANALYSIS

The parties were apprised of their opportunity to file specific objections to the Report on March 4, 2021. (ECF No. 7 at 5.) Objections to the Report were due by March 18, 2021 but neither party filed an objection. (*Id.*) Since no specific objections were filed by either party and the Report does not contain clear error, the court adopts the Report herein. *See Camby*, 718 F.2d at 199; *Diamond*, 416 F.3d at 315.

IV. CONCLUSION

For the foregoing reasons, the court **ACCEPTS** the Magistrate Judge’s Report and Recommendation (ECF No. 7) and **DISMISSES WITHOUT PREJUDICE** this action.

IT IS SO ORDERED.



United States District Judge

May 25, 2021
Columbia, South Carolina